
Middletown
SUPERIOR COURT

Short Calendar

Hon. Kevin G. Dubay
Hon. Robert F. McWeeny
1 Court Street
5th Floor, Room 514—Courtroom B
9:30 A.M.

NOTICE REGARDING PROPERTY
SHORT CALENDAR PROCEDURE

Short calendar in each judicial district will commence at 9:30 a.m. on Monday of each week, unless it is rescheduled due to a holiday. Short calendar markings will occur from 9:00 a.m. Tuesday to 4:00 p.m. Thursday of the week preceding the short calendar. In the event a state holiday falls on a Thursday preceding the calendar, matters may be marked from 9:00 a.m. Tuesday to 5:00 p.m. Wednesday. If a state holiday falls on the Friday preceding the calendar, matters may be marked from 9:00 a.m. Tuesday to 11:00 a.m. Thursday.

Counsel and pro se parties must inform the court of those matters on this calendar that are "READY FOR ADJUDICATION" by calling the Clerk's Office at (860) 343-6400, by sending the standard court approved fax form, available at (www.jud.ct.gov) to (860) 343-6423, or electronically marking the matter. MATTERS THAT HAVE NOT BEEN MARKED "READY FOR ADJUDICATION" WILL BE DEEMED "OFF" AND WILL NOT BE REINSTATED ON THIS CALENDAR.

Regardless of the method of transmittal, counsel and pro-se parties are required to provide the following information when making a marking: 1) Column number and position on the calendar; 2) Name and docket number of the case; 3) Number and title of the motion; 4) Full name of the person making the marking and the firm name, if applicable; 5) Confirmation that all counsel and pro

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se parties of record have been notified of the marking, Counsel and pro se parties shall bring a confirmation of the marking to the short calendar hearing of an arguable matter. This may be in the form of a fax and a transmittal confirmation sheet, a Short Calendar Markings Confirmation and Receipt produced upon completion of the electronic Short Calendar Markings Entry transaction, or a detailed note from the person who telephoned the marking to the court. Failure of counsel or pro se parties to give timely notice to each other of any marking that has been made may result in sanctions by the court. If conflicting markings are made, the last one received will control. "Ready late" and "over" markings will not be accepted.

The only motions on this calendar that may be argued as a matter of right are:

1. Motions for Foreclosure
2. Motions to Dismiss
3. Motions to Strike
4. Motions for Summary Judgment
5. Motions for Judgment of Deficiency
6. Motion for Judgment on Report of Attorney Trial Referee or Objection thereto.

Provided the matter has been marked "READY," argument will be heard on the day scheduled for short calendar on the following motions: "As of right" motions listed in P.B. Section 11-18 including Motions for Judgment of Foreclosure, Deficiency Judgments, Motions to Approve Committee Sale, Deed, Report, Expenses and Fees, Motions to Open Judgment, Motions For Protection from Foreclosure, and Motions for Judgment on the Mortgage Note.

It shall be at the Court's discretion to accept a "TAKE PAPERS" marking on an "As of Right" motion; those matters for which argument is deemed unnecessary will be taken on the papers while those motions for which argument is required by the Court will be scheduled for a hearing at a later date. The clerk will notify the parties of the hearing date by mail.

Any "Not As of Right" motion which has printed with an "As of Right" motion may be marked "TAKE PAPERS" or, if oral argument is requested pursuant to P.B. Section 11-18, it may be marked "READY." If the "Not as of Right" motion is marked "READY" in conjunction with the "As of Right" motion, the Court will hear the matter on the day scheduled for short calendar. If only the "Not As of Right" motion has been marked "READY," the judge will determine whether oral argument is necessary. If oral argument is necessary, a hearing will be scheduled and the clerk will notify the parties of the hearing date by mail. Those matters for which argument is deemed unnecessary will be decided on the papers.

Affidavit of Appraisal should be submitted in lieu of testimony except where fair market value is contested. In the case of deficiency judgments, the appraiser shall testify if the appraisal is lower than the fair market value found at the date of judgment or if the fair market value is contested. A motion for Deficiency Judgment is to be filed with a copy of the proposed Deficiency Judgment and an Affidavit for Additional Attorney fees if so requested.

The following originals should be submitted at the hearing on the Motion for Judgment of Strict Foreclosure or Motion for Judgment of Foreclosure by Sale: Mortgage Note and Deed (or Affidavit of loss), Appraisal Report, Affidavit of Debt with updated computation of the debt to day of judgment, and any necessary military affidavits.

Opposing parties contesting value must file a Notice of Intent to Argue at least three days prior to hearing and must certify copies to counsel and pro se parties of record.

After a Foreclosure by Sale, the Motion for Supplemental Judgment is to be filed with a copy of the proposed judgment and an Affidavit for Additional Attorney Fees if so requested. If supplemental judgment disbursement is held by the clerk, the debt should be calculated to date of disbursement. No appearance should be necessary for a Motion for Supplemental Judgment.

The Plaintiff shall file an appropriate affidavit indicating compliance with C.G.S. Section 8-265dd (the Emergency Mortgage Assistance Payment Program).

Defaults will not be granted at the time of judgment unless such motions have been filed pursuant to P.B. Section 17-20 (Failure to Appear), P.B. Section 17-32 (Failure to Plead), and P.B. Section 13-19 (No Disclosure of Defense) and there has been compliance with the notice requirements as prescribed in the respective rules. Defaults for Failure to Appear, except as provided in P.B. Section 17-23 through 17-30, and Defaults for Failure to Plead will be granted by the clerk. Defaults for Failure to Disclose a Defense will only be placed on the Short Calendar or heard after compliance with the notice requirements prescribed in P.B. Section 10-12 through 10-17.

Matters not in compliance with the 3 current Standing Orders of the Court will NOT be heard.

Please contact the Short Calendar Clerk at (860) 343-6400 for further clarification.

NOTICE: MERS FORECLOSURES

In any foreclosure action where a Mortgage Electronics Registration System company is the plaintiff, no Judgment of Foreclosure shall enter unless an assignment of mortgage to the holder of the promissory note has been recorded on the land records and a Motion to Substitute the holder of the note as the plaintiff has been granted or an affidavit is filed with the court that the plaintiff is the actual holder of the promissory note.

NOTICE CONCERNING E-FILING

Electronic filing, including case initiation and filing of documents, will be available for Contract cases (Cs) (except for case initiation in those cases requesting a PJR) and Property cases (Ps) (except for Drug Asset Forfeiture cases and case initiation in Applications to Discharge a Mechanics Lien and Petitions for Discharge of Mortgage or Lis Pendens) in March of 2006. These case types will be the latest additions to the e-filing system, which already includes all Tort (Ts) and Vehicular Tort (Vs) cases. Attorneys and law firms enrolled for E-Services may initiate cases and file documents electronically in all eligible cases. The e-filing system may be accessed from the Judicial Branch homepage (www.jud.ct.gov) by clicking on E-Services on the blue menu bar or by clicking on the e-filing icon. To obtain information regarding enrollment, e-filing cases/documents, or training sessions, please contact efile@jud.ct.gov or alice.mastry@jud.ct.gov.